

ACTION:  
OCA 1881-28

*OCA Record*

## OFFICE OF CONGRESSIONAL AFFAIRS

### Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. <del>DD/Intelligence</del>		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		
9. FOIA Officer		
10. Constituent Inquiries Officer		
11.		
12.		

SUSPENSE

10 June 1988  
Date

Action Officer:

Remarks:

GAH 6/13/88  
Name/Date

OCA 1861-88

1894



**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF MANAGEMENT AND BUDGET**  
WASHINGTON, D.C. 20503

**SPECIAL**

May 27, 1988

**LEGISLATIVE REFERRAL MEMORANDUM**

**TO:** Department of Defense - Sam Brick (697-1305)  
Department of State - Bronwyn Bachrach (647-4463)  
Department of Transportation - Tom Herlihy (366-9293)  
Department of the Treasury - Carole Toth (566-8523)  
Office of Personnel Management - Jim Woodruff (632-5524)  
Department of Justice - Jack Perkins (633-2113)  
Central Intelligence Agency

*leg*

**SUBJECT:** H.R. 3665 -- "Official Accountability Act of 1987."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than June 10, 1988.

(NOTE -- A hearing on this bill is scheduled for June 15, 1988.)

Direct your questions to Gregory Jones (395-3454), of this office.

*Gregory Jones for*

James C. Murr for  
Assistant Director for  
Legislative Reference

**cc:** Alan Raul  
Karen Wilson  
Arnold Donahue  
Bob Howard  
Hilda Schreiber

100TH CONGRESS  
1ST SESSION

## H. R. 3665

To amend title 18, United States Code, to provide for criminal penalties for Government officials who commit national security offenses.

### IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 1987

Mr. CONYERS introduced the following bill; which was referred to the Committee on the Judiciary

## A BILL

To amend title 18, United States Code, to provide for criminal penalties for Government officials who commit national security offenses.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

#### 3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Official Accountability  
5 Act of 1987".

#### 6 SEC. 2. PUNISHMENT OF NATIONAL SECURITY OFFENSES.

7 Part I of title 18, United States Code, is amended by  
8 adding at the end the following new chapter:

2

1 "CHAPTER 123—NATIONAL SECURITY OFFENSES

"Sec.

"2901. Persons subject to this chapter.

"2902. Prohibitions.

"2903. Defense of superior orders or action as responsible Government official.

"2904. Sanctions.

"2905. Investigation and prosecution.

2 "§ 2901. Persons subject to this chapter

3 "The following persons are subject to this chapter:

4 "(1) Any officer or employee of the United States,  
5 including any member of the Armed Forces.

6 "(2) Any other person who receives, directly or  
7 indirectly, any compensation or remuneration from the  
8 United States in any form (whether pursuant to con-  
9 tract, subcontract, or otherwise) for the commission of  
10 any act which is, or results in, a violation of section  
11 2902 of this title.

12 "§ 2902. Prohibitions

13 "No person subject to this chapter shall order or engage  
14 in the planning of, preparation for, initiation or conduct of  
15 any intelligence activity which violates any statute or Execu-  
16 tive Order in force or international agreements to which the  
17 United States is a party.

18 "§ 2903. Defense of superior orders or actions as responsi-  
19 ble Government official

20 "(a) No person who commits any act in violation of sec-  
21 tion 2902 of this title pursuant to an order of his Government  
22 or superior shall be relieved of criminal liability for such vio-

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1 lation unless he did not know and could not reasonably have  
2 been expected to know that the act ordered was unlawful.

3 "(b) No person who commits any act in violation of sec-  
4 tion 2902 of this title shall be relieved of criminal liability for  
5 such act by reason of the fact that he was acting as a respon-  
6 sible Government official.

7 "§ 2904. Sanctions

8 "(a) Notwithstanding chapter 75 of title 5, upon a deter-  
9 mination, after preliminary hearing pursuant to the Federal  
10 Rules of Criminal Procedure, that there is probable cause to  
11 believe that any person described in section 2901(1) of this  
12 title has committed a violation of section 2902 of this title,  
13 such person shall be given a leave of absence without pay  
14 from employment by the United States for the duration of the  
15 proceedings against him.

16 "(b) Any person who violates section 2902 of this  
17 title—

18 "(1) commits a class D felony and, as an alterna-  
19 tive to imprisonment, may be sentenced to an equiva-  
20 lent period of civilian work contributing to the mainte-  
21 nance of national health and welfare; and

22 "(2) shall be ineligible for employment by the  
23 United States for such period of not less than fifteen  
24 years from the date on which sentence is imposed as  
25 the court may specify.

4

1 "§ 2905. Investigation and prosecution

2 "Notwithstanding any other provision of law, investiga-  
3 tions and prosecutions with respect to offenses under this  
4 chapter shall be carried out in the manner provided in chap-  
5 ter 40 of title 28."

6 SEC. 3. CONFORMING AMENDMENT.

7 The table of chapters for part I of title 18, United  
8 States Code, is amended by adding at the end the following  
9 new item:

"183. National security offenses..... 2901".

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